

Remarks

This communication is considered fully responsive to the Final Office Action. Claims 1-5, and 7-17 were examined. Claims 1-5, and 8-17 stand rejected. Claim 7 is objected to. Claims 1 and 11 are amended. Claim 6 was previously canceled. No new claims have been added. Reexamination and reconsideration of the pending claims are respectfully requested.

Allowable Subject Matter

Applicant appreciates the examiner noting that claim 7 would be allowable if rewritten in independent form. However, Applicant believes all of the currently pending claims are also allowable for the reasons discussed in more detail below.

Entry of Claim Amendments

The amendments correct typographical errors and therefore put the claims in better condition for allowance or appeal. Accordingly Applicant respectfully requests entry of the amendments made after the Final Office Action.

Claim Rejections - 35 U.S.C. 102(e) - Smith

The Final Office Action rejected claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 20040212685 to Smith, et al. (hereinafter referred to as "Smith"). Applicant respectfully traverses this rejection.

Claim 1 recites “means for capturing a second group of captured image signals from the nonstandard calibration target under changed illumination conditions that differ from the identical illumination conditions to produce a third reference metric, and; means for adjusting white balance in the second group of captured image signals by relating the third reference metric to the second reference metric.” Smith fails to disclose at least these recitations.

The Final Office Action Relies on Smith at paragraph 34 which states “the calibration routine may be implemented whenever lighting conditions change. For example if the nature of the indoor light changes or on changes from indoor to outdoor lighting, a recalibration process may be implemented.” This recalibration process is fundamentally different from Applicant’s recitations of capturing a second group of captured image signals to produce a third reference metric which is used in the same calibration process, i.e., “means for adjusting white balance in the second group of captured image signals by relating the third reference metric to the second reference metric.” Accordingly, the application of Smith to reject claim 1 is in error.

For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claim 2 depends from claim 1, which is believed to be allowable. Therefore, claim 2 is also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claim 2 is respectfully requested.

Claim Rejections - 35 U.S.C. 102(b) - Sakata

The Final Office Action rejected claims 8-12 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,119,178 to Sakata, et al. (hereinafter referred to as “Sakata”). Applicant respectfully traverses this rejection.

Claim 8 recites “capturing image signals from a field image of a non-standard calibration target and a primary image of a standard calibration target to produce a captured field image and a captured primary image.” Sakata fails to disclose at least these recitations.

The Final Office Action relies on Sakata at col. 3, lines 25-48 and Figures 1-4 as disclosing these recitations. Here, Sakata discloses the user manually adjusting the color balance wherein “signals Y, R-Y and B-Y represent the color-bar chart 14 on the lens cap 11 and since the signals Y’, (R-Y)’ and (B-Y)’ represent the reference color bar chart . . .” However, there is no use of a field image of non-standard calibration target. Accordingly it would be difficult to achieve true white balance under field illumination conditions.

The Final Office Action states that “[t]he signals Y, R-Y and B-Y that represent the color bar chart 14 on the lens cap 11 correspond to a field data of the nonstandard calibration target and the reference color bar chart 45a corresponds to standard calibration target.” Applicant respectfully disagrees that the color bar chart 14 on the lens cap can be construed as a nonstandard calibration target.

Claims 9-12 depend from claim 8, which is believed to be allowable. Therefore, claims 9-12 are also believed to be allowable for at least the same

reasons as claim 8. Withdrawal of the rejection of claims 9-12 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Smith and Sakata

The Final Office Action rejected claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Sakata. Applicant respectfully traverses this rejection.

Claims 3-5 depend from claim 1, which is believed to be allowable. Therefore, claims 3-5 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 3-5 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Smith, Sakata, and Takeuchi

The Final Office Action rejected claims 13-17 under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Sakata and further in view of U.S. Patent Publication No. 2003/0112342 to Takeuchi (hereinafter referred to as “Takeuchi”). Applicant respectfully traverses these rejections.

Claim 13 recites “a stored representation of a secondary image of a non-standard calibration target useful for calibrating white balance adjustment” (emphasis added). At least these recitations are not taught by the combination of cited references.

The Final Office Action relies on LEDs 18a-18e, paragraphs [0034]-[0040], and Figures 8 and 9 in Smith as disclosing these recitations. However, Smith does not distinguish between a standard calibration target and a

standard calibration target. Nor can the LED's 18a-18e in Smith be construed as such. Instead, "power is supplied to the elements 18a through 18e to sequentially produce colors in the plate 14a." See, e.g., paragraph [0027]. The same target (plate 14a) is used in Smith.

Claim 13 also recites and "field capture image data of the nonstandard calibration target" (emphasis added). At least these recitations are not taught by the combination of cited references.

The Final Office Action relies on paragraph [0034] in Smith, stating "Paragraph 37 states that when the lighting conditions change the calibration technique is done again." Applicant fails to see how the act of recalibrating reads on "field capture image data of the nonstandard calibration target."

For at least the foregoing reasons claim 13 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 13.

Claims 14-17 depend from claim 13, which is believed to be allowable. Therefore, claims 14-17 are also believed to be allowable for at least the same reasons as claim 13. Withdrawal of the rejection of claims 14-17 is respectfully requested.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,



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By: _____

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